

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**RONALD WAGONER on behalf of
himself and all those similarly situated,**

Plaintiffs,

V.

DHL Express (USA) Inc.,

**W&A Cargo Management, Inc. a/k/a
W&A Cargo Ent. Inc., d/b/a/ W.H.I.I.,
L.C.C.,**

NATHAN WHITE, and

CHRIS HOLZKAMPER,

Defendants.

CIVIL ACTION NO. 5:09-cv-00686-R

**COLLECTIVE ACTION
PURSUANT TO 29 U.S.C. § 216(b)**

ORDER

Before the Court is Plaintiff's Memorandum in Support of Motion for Conditional Class Certification and Judicial Notice. Subsequent to Plaintiff's Motion, the Parties entered negotiations and reached agreement on the form of Notice and Consent to Opt-in to be issued to prospective party plaintiffs. Having considered Plaintiff's Motion and the Parties' proposed Notice of Pendency of Lawsuit and proposed Consent to Opt-in Form, the Court hereby GRANTS conditional certification under the Fair Labor Standards Act of 1938, 29 U.S.C. §216(b) and approves that notice to be sent to the collective action class. The Court orders as follows:

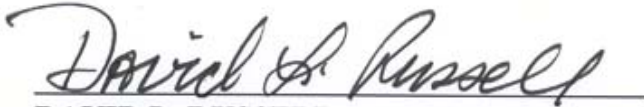
(1) A class consisting of all driver employees who worked for W&A Cargo Management a/k/a W & A Cargo Ent. Inc., d/b/a W.H.I.I., L.C.C. in Oklahoma between December 17, 2006 [three years prior to date of order] and the present is **CONDITIONALLY CERTIFIED**.

(2) Defendant W&A Cargo Management a/k/a W & A Cargo Ent. Inc., d/b/a W.H.I.I., L.C.C. is ORDERED to furnish Plaintiff with the following information as to all members of the conditionally certified class within **ten (10) days** from the date this order is entered: (i) name (ii) last known address, (iii) social security number, and (iv) their email addresses and phone numbers, to the extent such information is available. This information shall be provided to Plaintiff in an easily accessible electronic format.

(3) The deadline for opting into this action shall extend for sixty (60) days from the date that Notice of Lawsuit goes out, but in no case may the opt-in period expire more than one hundred (100) days from the date of this order (the “opt-in period”). The court-approved “notice of lawsuit with opportunity to join” is attached hereto as Exhibit A, and the court-approved “consent to be a party plaintiff” is attached as Exhibit B hereto. Both of which shall be sent to the potential class members with a return envelope addressed to counsel for Plaintiffs. Any motion to alter this order or the attached notice, shall be filed within 30 days of this order.

(4) In light of the current procedural posture of this action, within one hundred fifty (150) days of the expiration of the opt-in period, Defendants may move this Court for decertification of the conditionally certified FLSA class.

Entered this 17th day of December, 2009.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE